

## **Introductory Comments**

### **I. Summary of the Office Action.**

In the Advisory action, dated 25 July 2005, the Examiner did not enter applicants' amendments to the claims. Applicants respectfully request entry of the amendments to the claims presented in their Response to Final Rejection and Amendment, dated 20 June 2005. In the Advisory action, dated 25 July 2005, the Examiner maintained the following rejections:

The Examiner maintained the rejection of claims 1-20 under 35 U.S.C. §112, first paragraph, asserting that the specification, "while being enabling for methods of reducing the size of a tumor by the intratumoral injection of Ad5 vector disclosed as dl922/947, dl1107 or pm 928, does not reasonably provide enablement for the full scope of the claims."

The Examiner maintained the rejection of claims 1-6 under 35 U.S.C. §102(e) asserting that the claims are anticipated by Bischoff, et al. (U.S. Patent No. 6,080,578).

The Examiner rejected claims 22-24 and 26-28 under 35 U.S.C. §112, second paragraph, asserting that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

These rejections are believed to be overcome in part by the amendments and are otherwise traversed for reasons discussed below.

### **II. Overview of the Amendments.**

#### **1. To the Specification.**

The amendments to the specification are presented herein below (after the signature page) in the section titled "Amendments to the Specification."

Basis for the addition of the Sequence Listing can be found throughout the specification, for example, at the following location: page 5, lines 4-6; and page 8, lines 26-32.

The Sequence Listing adds a single sequence identified in the specification as the adenovirus type 5 genome registered as GenBank Accession Number #M73260 (see, e.g., page 8, lines 26-32). This adenovirus type 5 sequence was published by GenBank at least on 8 April 1996 (see the accompanying printed publication of the GenBank Accession Number #M73260 sequence -- the printout is listed on the accompanying modified form 1449). This